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CHAPTER 7 TRUSTEE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE:

RJC CAROLINA, LLC,

Debtor.

)
) CHAPTER 7 CASE
)
) CASE NO. 22-41806-MXM-7
)
)

TRUSTEE'S MOTION TO REJECT UNEXPIRED LEASE

NO HEARING WILL BE HELD ON THIS MOTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 501 W. 10th STREET, ROOM 147, FORT WORTH, TEXAS 76102 BEFORE CLOSE OF BUSINESS ON JANUARY 6, 2023, WHICH IS AT LEAST TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK, AND A COPY SHALL BE SERVED UPON THE UNDERSIGNED COUNSEL FOR MOVANT PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING MAY BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.

IF NO HEARING ON THIS MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT.

TO THE HONORABLE MARK X. MULLIN, UNITED STATES BANKRUPTCY JUDGE:

Laurie Dahl Rea, Chapter 7 Trustee ("Trustee") in this case, files this *Motion to Reject Lease* (the "Motion") and in support of the Motion would respectfully state the following:

1. On August 9, 2022, RJC Carolina, LLC (the “Debtor”) filed this chapter 7 bankruptcy case. John D. Spicer was appointed as the chapter 7 trustee but resigned due to conflicts between this estate and related estates. On September 22, 2022, Laurie Dahl Rea (the “Trustee”) was appointed and the chapter 7 trustee, and she continues to serve in that capacity.

2. The Debtor operated a construction, general contracting, and restoration business in South Carolina using a warehouse, office, and manufacturing building located at 297 Garlington Road, Greenville, South Carolina 29615 (the “Leased Premises”).

3. The Debtor executed a written Lease Agreement (the “Lease”) for the Leased Premises dated February 5, 2021 with the landlord, 297 Garlington, LLC as successor-in-interest to Garlington Investors, LLC (the “Landlord”). The Lease term is from March 1, 2021 through April 30, 2024, with a total monthly rent payment of \$3,562.50 (basic rent of \$2,812.50 plus additional rent in the amount of \$750.00).

4. The Trustee does not need the Lease or the Leased Premises to administer this estate.

5. The Trustee seeks permission to reject the Lease pursuant to § 365 of the Bankruptcy Code as of August 9, 2022. The Trustee has spoken with the Landlord’s representative, who does not oppose reject as of August 9, 2022. The Landlord has agreed not to assert an administrative claim for post-petition rent.

6. The rejection of the lease as of August 9, 2022 is within the Trustee’s sound business judgment and is in the best interests of the estate and its creditors.

7. The Landlord shared pictures of the Debtor’s personal property in the Leased Premises. The Trustee believes the personal property left at the Leased Premises is of little value to the bankruptcy estate and intends to file a Notice of Abandonment to abandon all property,

except for mail, business records and checks, left at the Leased Premises. The Landlord has agreed to send all mail, business records and checks to the Trustee.

8. The Trustee asks that the Court require the Landlord to file any claim for rejection damages within thirty (30) days of the entry of the Order granting this Motion.

WHEREFORE, the Trustee respectfully requests that the Court enter an order granting the Motion and granting such other and further relief as is just and proper.

Dated: December 16, 2022.

Respectfully submitted,

/s/ Laurie Dahl Rea
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CHAPTER 7 TRUSTEE

CERTIFICATE OF CONFERENCE

I certify that I spoke and corresponded with C. Travis Lacey on December 14 and 15, 2022 about this motion. Mr. Lacey advised that the Landlord is not opposed.

/s/ Laurie Dahl Rea _____
Laurie Dahl Rea

CERTIFICATE OF SERVICE

I hereby certify that, on December 16, 2022, a copy of this document was electronically filed in this case with the Clerk of the United States Bankruptcy Court by using the CM/ECF system, a copy was served on the parties who receive notice via the Court's ECF notification system, and a copy was served via first class U.S. mail on each of the parties set forth on the attached service list. On the same date, a copy was emailed to each of the parties or counsel below.

C. Travis Lacey, Jr. tlacey@pphold.com Landlord	
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/s/ Laurie Dahl Rea _____
Laurie Dahl Rea